

ARKANSAS SUPREME COURT

No. 03-1205

PATRICK ROBERTSON
Appellant

v.

STATE OF ARKANSAS
Appellee

Opinion Delivered March 1, 2007

PRO SE MOTION FOR RULE ON
CLERK TO FILE ORIGINAL ACTION
[CIRCUIT COURT OF JEFFERSON
COUNTY, CV 2003-158]

MOTION DENIED.

PER CURIAM

In 2003, Patrick Robertson, a prisoner in the custody of the Arkansas Department of Correction (ADC), appealed to this court from a decision of the Circuit Court of Jefferson County denying his petition for writ of mandamus against officials of the ADC. We affirmed. *Robertson v. Norris*, 360 Ark. 591, 203 S.W.3d 82 (2005). Appellant subsequently sought leave to file a belated petition for rehearing which was denied. *Robertson v. Norris*, 03-1205 (Ark. May 19, 2005) (*per curiam*).

On December 15, 2006, appellant tendered to this court an “Application for Extraordinary Writ” pursuant to Ark. Sup. Ct. R. 6-1 in which he asked this court to reopen the appeal and issue a writ of error *coram nobis* on the grounds that the appeal was dismissed through no fault of his and this court erred in affirming the circuit court order without first allowing him to complete the record. Our clerk correctly declined to file an original action in an appeal in which the mandate had issued. Now before us is appellant’s motion for rule on clerk, asking that the clerk be directed to file the

original action.

Our Rule 6-1 is not a substitute for filing a timely petition for rehearing pursuant to Ark. Sup. Ct. R. 2-3(g) if an appellant desires to bring to this court's attention an error of fact or law contained in a decision affirming an order. The rule is also not a means to reopen an appeal to supplement the record after the mandate has issued. In short, the application for extraordinary writ tendered by appellant, which was an attempt to bolster the record that appellant failed to provide when the appeal was before this court, did not fall within the purview of Rule 6-1. Adherence to the prevailing rules of procedure is necessary to the orderly and fair administration of justice. Stability in the judicial process requires appellants to conform to the rules. Here, appellant did not lodge a record sufficient to establish that the lower court erred, and he is not entitled to readjudicate our decision affirming the court's order under the guise of an "original action."

Motion denied.